glendale california
City of Glendale
Community Development
Planning & Neighborhood Services

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August 23, 2016

Ross Hoonanian Haftavani
5023 North Parkway
Calabasas, CA 91302

RE: 829 AND 831 EAST COLORADO STREET
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1519029
(Hookah Lounge)

Dear Mr. Haftavani:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an administrative use permit to allow the continued on-site sales, service, and consumption of alcoholic beverages at an existing full-service restaurant in the "C3" – Commercial Service Zone, located at **829 and 831 East Colorado Street,** described as Portions of Lot 16, Block 4, Glendale Orange Grove Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES
(1) The sales, service and on-site consumption of alcoholic beverages requires an Administrative Use Permit in the C3 – Commercial Service Zone.

APPLICANT'S PROPOSAL
(1) To allow the continued on-site sales, service, and consumption of alcoholic beverages (Type 47) at an existing full-service restaurant.

ENVIRONMENTAL RECOMMENDATION
The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the analysis by Community Development Department staff, and any comments received from the public with respect to this application, the Director of Community Development has **APPROVED WITH CONDITIONS** your Administrative Use Permit application based on the following findings:

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

The subject site is located in the C3 (Commercial Service) Zone and the General Plan Land Use Element designation is Community Services. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The continued on-site sales, service and consumption of

alcoholic beverages within an existing restaurant at this location is appropriate in an area of the city zoned for commercial uses and will continue to provide an option for the dining public to enjoy alcoholic beverages with their meals.

The continued on-site sales, service and consumption of alcoholic beverages at the existing full-service restaurant will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Community Services where retail services along a major arterial, such as East Colorado Street, are desired. The project site is already developed and the applicant's request is to allow the continued on-site sales, service and consumption of alcoholic beverages at the existing full-service restaurant. The existing restaurant is surrounded by other complementary businesses, including retail and service uses. Residential uses abut the subject property along South Cedar Street, which is zoned for multi-family development. The proposed conditions of approval will serve to mitigate any potential impacts on surrounding properties, including the adjacent residential uses. The site is existing and there are no additions being proposed; therefore, other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request. In addition, there will be no increase in the amount of required parking. In accordance with GMC 30.32, the subject property is legal nonconforming in terms of on-site parking. Adequate utilities, landscaping, and traffic circulation measures are already provided.

The Circulation Element identifies East Colorado Street as a major arterial. It is fully developed and can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercially zoned properties to the east, west, and south and residential uses to the north on South Cedar Street. The applicant's request to continue to serve alcoholic beverages with meals is not anticipated to create any negative traffic-related impacts on East Colorado Street and surrounding uses over and above the existing conditions.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The continued on-site sales, service, and consumption of alcoholic beverages at the existing full-service restaurant will not be detrimental to the health, safety and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3022.01 where the suggested limit for on-sale alcohol establishments is three. Currently, there are 26 on-sale establishments located in this tract and "Hookah Lounge" is one of the existing licenses in this census tract. Based on Part 1 crime statistics for this Census Tract, there were 225 crimes, 30% above the citywide average of 173. Within the last calendar year, there was one call for police service at this location related to a disturbance, but did not result in a report being taken. The Glendale Police Department did not cite any major concerns related to the continued on-site sales, service and consumption of alcoholic beverages at the existing restaurant.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

It is not anticipated that the continued on-site sales, service and consumption of alcoholic beverages at the existing full-service restaurant will be detrimental to the community or adversely conflict with the community's normal development. The restaurant, "Hookah Lounge" has operated at this location since 2005, and has been serving alcohol for on-site consumption since 2008. The applicant's request to allow the continued on-site sales,

service and consumption of alcoholic beverages with meals is not anticipated to adversely conflict with surrounding properties as it will be ancillary to the primary use, a restaurant. The subject property is surrounded by other complementary businesses, including retail and service uses. As noted above, residential development does abut the subject property on South Cedar Street, as these properties are zoned for multi-family residential development. The proposed conditions of approval will serve to mitigate any potential impacts on the surrounding properties, including the adjacent residential uses.

There are no churches, public or private schools, children's day care facilities, public parks, libraries, or hospital within the immediate area of the subject property. The closest public facility is Elk Mini Park at 800 East Elk Avenue (0.2 miles south). While this facility is within close proximity to the subject site, it is located outside the immediate neighborhood, and no off-site sales of alcohol will be permitted.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

The applicant's request to allow the continued on-site sales, service, and consumption of alcoholic beverages at the full-service restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing full-service restaurant, "Hookah Lounge", has been operating at this location since 2005. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use. In accordance with GMC 30.32, the subject property is legal nonconforming in terms of on-site parking. The applicant's request to allow the continued on-site sales, service and consumption of alcoholic beverages with meals is not anticipated to create any negative traffic-related impacts on East Colorado Street or South Cedar Street over and above the existing conditions.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

That all the criteria set forth in Section 30.49.030 (E) to be considered in making the findings in subsection a. through d. above have all been met and thoroughly considered:

1) That where an existing or proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an existing or proposed off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control, such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration based on the comments submitted by the City of Glendale Police Department. The continued on-site sales of alcoholic beverages incidental to food service at the existing restaurant site does not, or will not, tend to encourage or intensify crime within this reporting district as noted in Finding B above.

2) That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part 1 crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district because conditions have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated. As noted in Finding B above, the crime rate in Census Tract 3022.01 is 30%

above the city average for Part 1 crimes. No evidence has been presented that would indicate that the continued on-site sales, service and consumption of alcoholic beverages at the subject site would encourage or intensify crime within the district.

3) That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (church, public or private school or college, day care facility, public park, library, hospital or residential use). As noted in Finding C above, there are no churches, public or private schools, day care facilities, public parks, libraries or hospitals within the immediate area of the subject site. The closest public facility is Elk Mini Park at 800 East Elk Avenue (0.2 miles south). While this facility is within close proximity to the subject site, it is located outside the immediate neighborhood, and no off-site sales of alcohol will be permitted. As noted in Finding A, residential uses abut the subject property along South Cedar Street which is zoned for multi-family development. The proposed conditions of approval will serve to mitigate any potential negative impacts on these surrounding residential uses.

4) That adequate parking and loading facilities are or will be provided for the existing or proposed use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use. As noted in Findings C and D above, the applicant's request is not anticipated to increase the need for public or private facilities. The applicant's request to continue the ancillary service of alcoholic beverages on-site at the existing full-service restaurant, "Hookah Lounge" is not anticipated to intensify traffic circulation or parking demand over and above the existing conditions. The site is fully developed and adequate parking and loading facilities are currently provided.

5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption does serve a public convenience for the area. The applicant's request to allow the continued on-site sales, service and consumption of alcoholic beverages at the existing full service restaurant does serve a public convenience because it serves local residents, businesses, and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Use Permit shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.

2. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.

3. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.

4. That the premises shall maintain a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant. Food service shall be available at all times and in all areas of the premises during normal operating hours.

5. That there shall be no bar or lounge area upon the premises maintained solely for the purpose of sales, service or consumption of alcoholic beverages by patrons.

6. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

7. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

8. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

9. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.

10. That music or noise shall be contained within the edifice of the establishment. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.

11. That any expansion or modification of the facility or use which intensifies the existing business shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.

12. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.

13. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverages that were purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.

14. That at all times when the premises are open for business, the service of alcoholic beverages shall be made only in the areas as designated with the ABC license.

15. That the restaurant shall remain open to the public during business hours.

16. That the front and back doors to the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.

17. That the sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 2:00 a.m. each day of the week.

18. That there shall be no video machine(s) maintained on the premises.

19. That access to the premises shall be made available to all City of Glendale Community Development Department, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.

20. That the restaurant adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

21. That all necessary building permits and licenses be obtained in order to comply with the open Code Compliance Case No. NTBCLIC100438.

22. That the restaurant operate in accordance with the site plan and floor plan submitted as part of this application as it relates to on-site smoking and tobacco usage, except for any additional modifications required to comply with the City's Fresh Air Ordinance as regulated by G.M.C. 8.52.

23. That no exterior signs advertising the service of alcoholic beverages shall be permitted.

24. That live entertainment is permitted with the exception that no karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male or female entertainment is provided. A Live Entertainment permit must be obtained in accordance with G.M.C 5.60.

25. That dancing is only allowed on the premises in designated dance floor areas not to exceed 200 square-feet. A Dance permit must be obtained in accordance with G.M.C. 5.80.

26. That a Business Registration Certificate be applied for and issued for a full-service restaurant with the on-site sales, service and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.

27. That authorization granted herein shall be valid for a period of ***FIVE (5) YEARS UNTIL AUGUST 23, 2021.***

APPEAL PERIOD

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the City Council if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **September 7, 2016** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: http://www.glendaleca.gov/appeals

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars ($1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars ($500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a conditional use permit at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.41 PROVIDES FOR

Termination
Every right or privilege authorized by an administrative use permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension
An extension of the administrative use permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the administrative use permit.

Cessation
An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only,** in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Vista Ezzati at (818) 937-8180 or vezzati@glendaleca.gov.

Sincerely,

Phil Lanzafame
Director of Community Development

Bradley Collin
Planning Hearing Officer

BC:VE:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley / M.Jackson); Parks, Recreation and Community Services Dept. (E.Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerre);and case planner - Vista Ezzati.